IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

ARBITRATION PETITION NO.98 OF 2004

...

Dinesh Ratnakar Talpade ...Petitioner

v/s.

Anant Kashinath Tendulkar

and ors. ...Respondents

...

Mr.S.V. Masurkar for the Petitioner.

Mr.Prashant A. Sarwankar i/b G.S. Bhatt for the Respondents.

...

CORAM: D.K.DESHMUKH, J.

DATED: 31ST JANUARY,2005

P.C.:

1. The sole arbitrator has rejected the claim

because the original agreement between the parties was not produced. A copy of the agreement was produced, which did not show that the agreement was properly stamped. Therefore, relying on the provisions of Section 34 of the Bombay Stamp Act the claim has been rejected.

2. The learned Counsel appearing for the Petitioner is not in a position to point out to me that the arbitrator has committed any error in relying on the provisions of Section 34 of the Bombay Stamp Act. Proviso to Section 34 would not come into play because original document was neither produced before the court nor did the Petitioner take steps to produce the same before the court if the same is in the custody of the other side.

3. In this view of the matter, therefore, petition cannot be entertained. It is disposed of.

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